

State Elections Enforcement Commission



2013 REGISTRAR OF VOTERS CONFERENCE

Kevin M. Ahern – Staff Attorney
Law Enforcement Unit

Duties and Responsibilities of Commission Staff



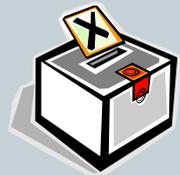
- Assist candidates and campaign staff
- Research and answer questions about campaign finance compliance
- Provide Campaign Finance Education Seminars
- Perform Audits
- Recommend Legislative Changes
- Administer and Maintain Electronic Campaign Reporting Information System (eCRIS)
- Investigate Complaints and Enforce Law



Elections Ecosystem



	<i>Compliance</i>	<i>Execution</i>	<i>Law Enforcement</i>
<i>Campaign Finance</i>	SEEC	SEEC & Town Clerks	SEEC (& State's Attorney/FBI)
<i>Election Administration</i>	SOTS	SOTS, <u>Registrars</u> & Town Clerks	SEEC (& State's Attorney/FBI)



Topics



- Key SEEC cases from the past year.
- How does the SEEC investigate/determine “bona fide residence?”
- Common questions from the November 2012 Election Day Hotline



Media in the Polling Place



- General Statutes § 9-236 (c)
- Case



Media in the Polling Place



- Still and video photography are permitted.
- Case Citation: File No. 2012-165
- *See also:* 2010-150, 2007-414 & 1995-217



“Elections Officials” Not Permitted in the Polling Place



- General Statutes § 9-236 (c)
- General Statutes §§ 9-235, 9-235b, 9-236, 9-258, 9-261, 9-264 & 9-436a
- Sec. 9-242a-6 of the SOTS Regs.
- Case



“Elections Officials” Not Permitted in the Polling Place



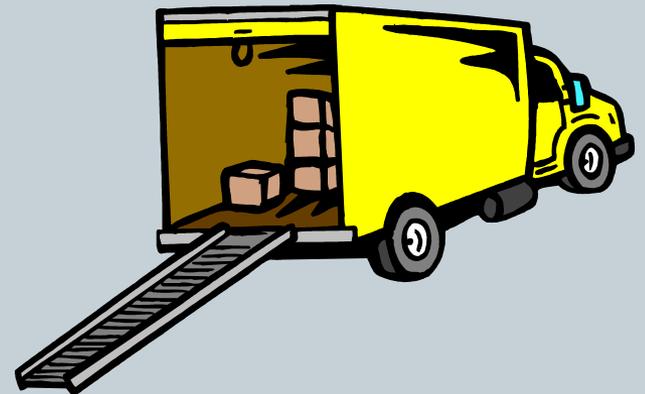
- Does not include the head moderator
- Does not include a moderator from another district
- File No. 2012-053



Moving Voters Within Town on Election Day



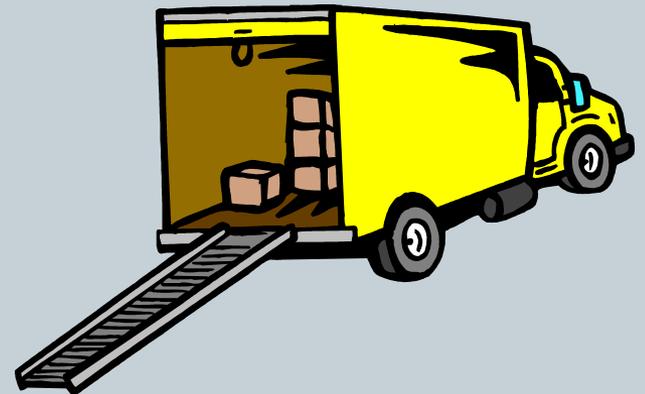
- General Statutes § 9-35 (c)
- Sec. 9-35-2 of the SOTS Regs.
- Case



Moving Voters Within Town on Election Day



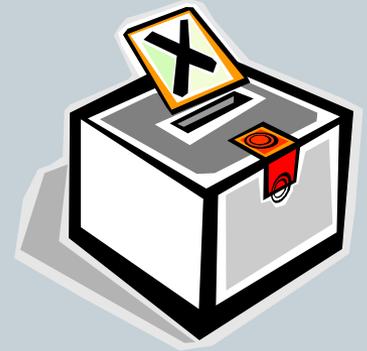
- *Lessons*
 - Assistant Registrar's Responsibility at Polls
 - Voter Fills out Form First
 - Both Registrars Must Consent
 - No Delegation of Duty to Subordinates



Voter ID, Poll Worker Training & Civil Disobedience



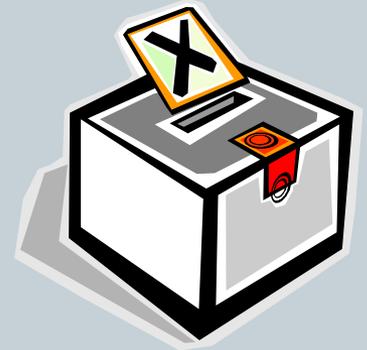
- Civil Disobedience of Election Official
- Case (pending)



Voter ID, Poll Worker Training & Civil Disobedience



- Voter ID and Poll Worker Training
- General Statutes §§ 9-261 & 9-249
- Case
- File No. 2012-086
- *Pending Legislation: HB 5600*



Voter ID, Poll Worker Training & Civil Disobedience



Two Types of ID Requirements in CT:

A. First time voters who:

- a. registered by mail after 1/1/2003, and
- b. are voting for the first time in an primary/election with *federal candidates on the ballot* and
- c. have a “mark” next to their name on the official registry list:

- Voter must present:
 - A copy of a current and valid photo identification that shows voter’s name and address; or
 - A copy of a current utility bill, bank statement, government check, paycheck or government document that shows voter’s name and address;

Or

- Cast a provisional ballot

B. All other voters (THIS INCLUDES MOST VOTERS)

- Voter must present:
 - A social security card, or
 - Any preprinted form of identification that shows voter’s:
 - name and address, or
 - name and signature, or
 - name and photograph

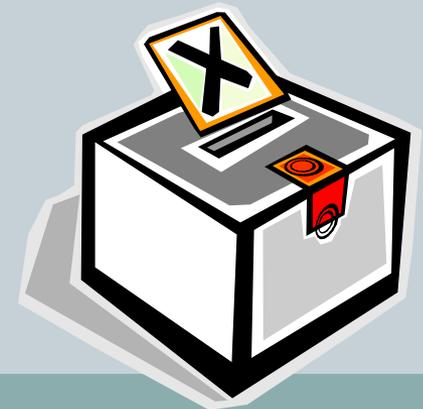
Or

- Sign a statement under penalty of false statement on Form ED-681 entitled, "Signature of Elector Who Did Not Present Identification," provided by the Secretary of the State that the elector whose name appears on the official check list is the same person who is signing the form.

Replacing Slate Candidates on Certifications



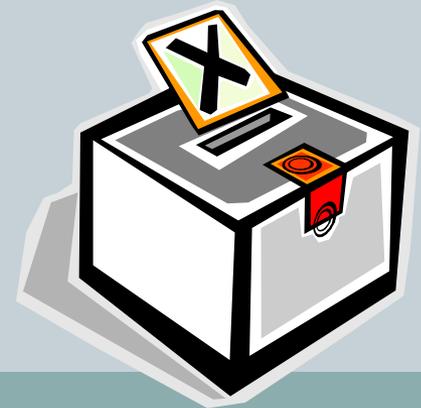
- General Statutes §§ 9-404a, 9-404c, 9-409, 9-411 & 9-412
- Case
- File No. 2012-048



Division of Polling Place Workers in a Primary



- General Statutes § 9-436 (d)
- Case
- Notice & “As nearly as may be”
- File Nos. 2012-081 & 2012-082



Bona Fide Residence



- **New Applicants**
 - Registrar may determine
 - Rejected applicants may appeal to municipal Board for Admission of Electors
 - BoAE decisions appealed to SEEC
 - General Statutes §§ 9-15a & 9-31l



Bona Fide Residence



- **Existing Electors**

- Registrar may take voter inactive, not off if s/he believes voter is no longer BFR.

- However, elector may restore under General Statutes § 9-42

- Registrar may also refer to SEEC.

- *General Statutes § 9-7b (a) (3) (E)*



Bona Fide Residence



- General Statutes § 9-12
 - (a) Each citizen of the United States who has attained the age of eighteen years, and who is a bona fide resident of the town to which the citizen applies for admission as an elector shall, on approval by the registrars of voters or town clerk of the town of residence of such citizen, as prescribed by law, be an elector, . . .



Bona Fide Residence



- Undefined in the Statutes
- Standard Developed at Common Law and cited in SEEC Cases:
 - “The place where [an] individual maintains a true, fixed, and principal home to which he or she, whenever transiently relocated, has a genuine intent to return.”



Bona Fide Residence



- Generally synonymous with domicile.
- However, “[t]he traditional rigid notion of ‘domicile’ has . . . given way somewhat but only to the extent that it has become an impractical standard for the purposes of determining voting residence.”
 - E.g., college students, the homeless, and individuals with multiple dwellings



Bona Fide Residence



- *“An individual does not, therefore, have to intend to remain at a residence for an indefinite period for that residence to qualify as that individual’s bona fide residence.”*
- Has to possess a present intention to remain at that residence.



Bona Fide Residence



- “[O]nce residency is established, the test is no longer physical presence but rather abandonment.”
- “Indeed, once a person has established residence, he or she can be physically absent from that residence for months or even years without having abandoned it.
... ”



Bona Fide Residence



- Like Domicile (but much more flexible).
- Present intent to remain.
- Once they have established residency, the test is Abandonment.



Bona Fide Residence



- Factual Inquiry.
- Address claimed is the most important.
- Other addresses are relevant, but not solely determinative.



Bona Fide Residence



- Factual Inquiry (for every property)
 - How long has applicant lived there?
 - Own or rent?
 - What does applicant maintain at this address?
 - A bedroom?
 - Clothes?
 - Shoes?
 - Books?
 - Furniture?
 - Artwork?
 - Photographs?
 - Knickknacks?
 - Vitamins?
 - Toothbrushes
 - Cosmetics?
 - Valuable pieces of personal property?



Bona Fide Residence



- Factual Inquiry (cont.)

- Does/Did applicant have a vehicle registered at this address?
 - Please state “yes”/”no” and explain
- Does/Did applicant receive mail and/or items shipped at this address?
 - If not, where?
- Does/Did applicant use the entire dwelling unit or just a bedroom?
- At this address, does/did applicant :
 - Relax?
 - Cook?
 - Eat?
 - Do laundry?
 - Entertain friends?



Bona Fide Residence



- Recent SEEC Cases:
- File Nos. 2012-197, 2011-061, 2010-073



Election Day Hotline



- Before:



Election Day Hotline



- After:



Election Day Hotline



- Most Popular Questions/Issues:
 - Voter ID Variances
 - Long Lines
 - IVS
 - Access for Disabled
 - Unregistered persons
 - Where do I vote?/My polling place changed



Where to Find SEEC Cases



- Online

- *www.ct.gov/seec*
 - Click “Commission Decisions” in left nav bar
 - Search by keyword, or pick case from list.
 - E-mail “seec@ct.gov” if you can’t find a case

- SEEC Library

- 20 Trinity St., Hartford, CT
- Every SEEC legal decision bound and organized by year and category.

